IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 9TH OCTOBER 2007 / 17TH ASWINA 1929

Bail Appl..No. 5988 of 2007()

CRIME NO.262/07 OF KAREELAKULANGARA POLICE STATION

: PETITIONERS/ACCUSED 1 TO 4

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1. JAYAN, CHERUVANNETHU PUTHEN VEEDU,
ORIPRAM MURI, CHENNITHALA, MAVELIKARA.

2. USHA VIJAYAN, CHERUVANNETHU PUTHEN VEEDU
ORIPRAM MURI, CHENNITHALA, MAVELIKARA.

3. SANJEEV, CHERUVANNETHU PUTHEN VEEDU,
ORIPRAM MURI, CHENNITHALA, MAVELIKARA.

4. RAJALEKSHMI,CHERUVANNETHU PUTHEN VEEDU,
ORIPRAM MURI, CHENNITHALA, MAVELIKARA.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENTS: COMPLAINANT

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1. SUB INSPECTOR OF POLICE,
KAREELAKULANGARA POLICE STATION.

2. THE STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No. 5988 of 2007

Dated this the 8th day of October, 2007

ORDER

Application for anticipatory bail. Petitioners are the defacto complainant's husband and his relatives. They face allegations in a crime registered under Section 498 A I.P.C. A private complaint was filed by the defacto complainant before the Magistrate which was referred to police under Section 156(3) Cr.P.C and accordingly the crime was registered. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The marriage between the spouses took place only on 29.04.07. Before 6 months have elapsed, they are before Court. The learned counsel for the petitioners submits that because of the strain in the matrimonial tie, consequent to maladjustments of the newly married wife, totally false and vexatious allegations are being raised against the petitioners. The petitioners may be saved of the trauma of undeserved arrest and detention.

3. The learned Public Prosecutor does not oppose the prayer for anticipatory bail. I reckon that stand taken by the learned Public Prosecutor to be fair and reasonable. Arrest and incarceration of the petitioners is likely to mar the matrimonial tie beyond repair. The learned Public Prosecutor further submits that there is no allegation

that any physical injury has been suffered consequent to the alleged cruelty inflicted.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioners shall appear before the learned Magistrate at 11 a.m on 16.10.07. They shall be enlarged on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 3 p.m on 17.10.07 and 18.10.07 and thereafter between 10 a.m and 12 noon on all Mondays and Fridays for a period of two months. Subsequently the petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law as if those directions were not issued at all;

iv) If the petitioners were arrested prior to their surrender on 16.10.07 as directed in clause (1) above, they shall be released from custody on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 16.10.07.

(R.BASANT, JUDGE)

rtr/-